

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN THE MATTER OF EDGAR OBLITEY, Debtor,))))))	CASE NO: A10-75595WLH CHAPTER 7 JUDGE HAGENAU
EDGAR OBLITEY Plaintiff v. CHASE HOME FINANCE Defendant.))))))))))	ADVERSARY NO: 10-6441-WLH

MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Defendant Chase Home Finance, LLC (improperly sued as Chase Home Finance) (“Chase”) hereby moves to dismiss this action on the grounds that Plaintiff’s Complaint fails to state a claim against Chase upon which relief may be granted. In support of this Motion, Chase relies on the accompanying Memorandum of Law and the exhibits attached thereto, the other pleadings and documents on file or referred in this action and any further evidence and/or oral argument that the Court may request with respect to this Motion. Accordingly, Chase respectfully requests that the Court dismiss Plaintiff’s Complaint in its entirety.

Respectfully submitted this 17th day of September, 2010.

WARGO & FRENCH LLP

s/ Windy A. Hillman
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CERTIFICATE OF SERVICE

I hereby certify that I have on this day filed electronically via CM/ECF a true copy of the within and foregoing **MOTION TO DISMISS PLAINTIFF'S COMPLAINT** in the United States Bankruptcy Court for the Northern District of Georgia. I further hereby certify that I have on this day served same upon the parties by United States mail, postage prepaid, addressed as follows:

Edgar Oblitey, *Debtor*
2285 Worthington Dr.
Powder Springs, GA 30127

Robert B. Sillman, *Trustee*
Awtrey & Parker, PC
250 Lawrence Street
Marietta, GA 30060

Lindsay N.P. Swift
Office of the U.S. Trustee
75 Spring Street, S.W., Suite 362
Atlanta, GA 30303

This 17th day of September, 2010.

s/ Windy A. Hillman
Windy A. Hillman